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Attorneys for Defendants,
HITACHI, LTD.; HITACHI DISPLAYS, LTD.
(n/k/a/ JAPAN DISPLAY INC.); HITACHI
AMERICA, LTD.; HITACHI ASIA, LTD.;
AND HITACHI ELECTRONIC DEVICES
(USA), INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

CASE NO. 07-5944 SC

MDL NO. 1917

This Document Relates To:

ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF ELIOT A.
ADELSON IN SUPPORT OF DIRECT
PURCHASER PLAINTIFFS'
ADMINISTRATIVE MOTION TO
SEAL DOCUMENTS PURSUANT TO
CIVIL LOCAL RULES 7-11 AND 79-
5(d)**

1 I, Eliot Adelson, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney at the law firm of
3 Kirkland & Ellis LLP, counsel for defendants Hitachi, Ltd. (“HTL”), Hitachi Displays, Ltd. (n/k/a
4 Japan Display Inc.), Hitachi America, Ltd. (“HAL”), Hitachi Asia, Ltd. (“HAS”), and Hitachi
5 Electronic Devices (USA), Inc. (“HED(US)”) (collectively, the “Hitachi Defendants”) in these
6 actions.

7 2. I make this declaration in support of the Direct Purchaser Plaintiffs’ Administrative
8 Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-5(d) (Dkt. No. 2208) (“Motion
9 to Seal”). Except for those matters stated on information and belief, which I am informed and which
10 I believe to be true, I have personal knowledge of the matters set forth herein, and could and would
11 testify competently to each of them.

12 3. On June 18, 2008, the Court approved a “Stipulated Protective Order” in this matter
13 (Dkt. No. 306).

14 4. The Hitachi Defendants have disclosed or produced in this action certain documents
15 and information designated as either “Confidential” or “Highly Confidential” pursuant to the
16 Stipulated Protective Order.

17 5. I have reviewed the Reply Brief in Support of Direct Purchaser Plaintiffs’ Motion for
18 Class Certification (“Reply”), the Declaration of Geoffrey C. Rushing in Support of the Reply Brief
19 in Support of Direct Purchaser Plaintiffs’ Motion for Class Certification (“Rushing Declaration”),
20 the exhibits thereto, and the Reply Expert Report of Dr. Jeffrey J. Leitzinger, Ph.D. (“Leitzinger
21 Reply Report”), all of which were lodged on November 11, 2013.

22 6. Pursuant to Civil Local Rules 7-11 and 79-5, this Court’s General Order No. 62,
23 Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Stipulated Protective
24 Order, I make this declaration on behalf of the Hitachi Defendants to provide the Court with a basis
25 to maintain under seal the following documents, which quote from, contain, reflect, or describe
26 documents or information designated by the Hitachi Defendants as “Confidential” or “Highly
27 Confidential”:

- a. Exhibit 1 to the Rushing Declaration which is the Direct Purchaser Plaintiffs' Supplemental Responses to Samsung SDI America, Inc.'s First Set of Interrogatories to Direct Purchaser Plaintiffs that cites to and quotes from documents that the Hitachi Defendants have designated "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order;
- b. The numerous redacted paragraphs and footnotes from Exhibit 5 to the Rushing Declaration which is a previously sealed Memorandum of Law in Support of Defendants' Motion to Strike the Proposed Testimony of Dr. Janet S. Netz that describes, quotes from, and/or summarizes information from documents and the transcripts of depositions that the Hitachi Defendants have designated "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order; and
- c. The Reply and Leitzinger Reply Report, which, upon information and belief, quote from, reference, or describe documents or information designated as "Confidential" or "Highly Confidential" by the Hitachi Defendants pursuant to the Stipulated Protective Order.

7. Each of the documents listed in Paragraph 6 consist of, quote from, and/or contain confidential, non-public, proprietary, and highly sensitive business information. The documents contain confidential, nonpublic information about the Hitachi Defendants' sales practices, business and supply agreements, and competitive positions. The documents describe relationships with companies that remain important to the Hitachi Defendants' competitive positions. Upon information and belief, the public disclosure of this sensitive information presents a risk of undermining the Hitachi Defendants' relationships and would put the Hitachi Defendants at a competitive disadvantage.

8. I am informed and believe that the Hitachi Defendants have taken reasonable steps to preserve the confidentiality of information of the type contained, identified, or cited to in the documents listed in Paragraph 6.

1 I declare under penalty of perjury, under the laws of the United States of America, that the
2 foregoing is true and correct.

3 Executed this 15th day of November, 2013, at San Francisco, California.

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5 /s/ Eliot A. Adelson

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